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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,275

03/23/2007

Kalle Larsson

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9059

30853

7590

03/25/2009

WARN, HOFFMANN, MILLER & LALONE, .P.C

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EXAMINER

BASTIANELLI, JOHN

ART UNIT

PAPER NUMBER

3753

MAIL DATE

DELIVERY MODE

03/25/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/576,275	<b>Applicant(s)</b> LARSSON ET AL.	
	<b>Examiner</b> John Bastianelli	<b>Art Unit</b> 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 13-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/18/06</u>   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 32 (it appears that in Fig. 2, 30 should be 32). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities: See drawing objection above. Appropriate correction is required.
3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Suggestions***

4. Claim 18 has the following informalities: The term "a valve device" should be "the" or "said" since it has already been mentioned. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 13-15 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakaguchi et al. US 4,782,860.

Sakaguchi discloses a valve device for controlling fluid flow, having a hollow body bounding a flow path for the fluid through said valve device, a valve obturating member 3 and 4 in said flow path and movable between a more obturating position and a less obturating position for permitting lesser and greater flows of said fluid along said path, which flows urge said member in the sense from said more obturating position to said less obturating position (Figs. 1 or 3), said valve obturating member including magnetic portions 4, an electrically energizable inductor 5 which, while remaining stationary relative to said body and while electrically energized, acts upon said valve obturating member with a force to urge said valve obturating member in the sense from said less obturating position to said more obturating position, an electrical supply arrangement connected to said inductor, and a control arrangement 21 which is connected to said

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electrical supply arrangement and which serves to adjust the magnitude of the current supplied to said inductor by said supply arrangement and thereby to adjust said force. There are no moving parts other than said valve obturating member. . The method is seen as practiced by the apparatus. A valve seat 2 on said flow-path, said more obturating position being an end position in which said valve obturating member is fully closed on the valve seat, so as to be applied to the seat in a substantially fluid- tight manner, and said valve seat facing downstream of said flow path, whereby said less obturating position is further downstream in said flow path than is said more obturating position.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 13-15 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. US 3,758,071 in view of Sakaguchi et al. US 4,782,860.

Anderson discloses a valve device for controlling fluid flow, having a hollow body bounding a flow path for the fluid through said valve device, a valve obturating member 4 in said flow path and movable between a more obturating position and a less obturating position for permitting lesser and greater flows of said fluid along said path,

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which flows urge said member in the sense from said more obturating position to said less obturating position (Fig. 1), said valve obturating member including magnetic portions, an electrically energizable inductor 23 which, while remaining stationary relative to said body and while electrically energized, acts upon said valve obturating member with a force to urge said valve obturating member in the sense from said less obturating position to said more obturating position, and an electrical supply arrangement connected to said inductor. Anderson lacks a control arrangement which is connected to said electrical supply arrangement and which serves to adjust the magnitude of the current supplied to said inductor by said supply arrangement and thereby to adjust said force. Sakaguchi discloses a control arrangement which is connected to said electrical supply arrangement and which serves to adjust the magnitude of the current supplied to said inductor by said supply arrangement and thereby to adjust said force. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the control arrangement to adjust the magnitude of the current supplied to said inductor by said supply arrangement and thereby to adjust said force of Anderson in order to provide the minimum needed force to close the valve. The method is seen as practiced by the apparatus. Anderson discloses no moving parts other than said valve obturating member. A valve seat 17 on said flow-path, said more obturating position being an end position in which said valve obturating member is fully closed on the valve seat, so as to be applied to the seat in a substantially fluid-tight manner, and said valve seat facing downstream of said flow

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path, whereby said less obturating position is further downstream in said flow path than is said more obturating position.

9. Claims 16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakaguchi et al. US 4,782,860 in view of Jensen et al. US 5,351,934.

Sakaguchi lacks a plurality of energizable inductors. Jensen discloses a plurality of energizable inductors 26 and 28. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a plurality of energizable inductors as disclosed by Jensen in place of the single inductor of Sakaguchi as a matter of simple substitution and/or to provide a stronger magnetic field.

10. Claims 16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. US 3,758,071 in view of Sakaguchi et al. US 4,782,860 in view of Jensen et al. US 5,351,934.

Anderson lacks a plurality of energizable inductors to constitute a linear motor. Jensen discloses a plurality of energizable inductors 26 and 28 to constitute a linear motor. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a plurality of energizable inductors as disclosed by Jensen in place of the single inductor of Anderson as a matter of simple substitution and/or to provide a stronger magnetic field.

11. Claims 17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakaguchi et al. US 4,782,860 in view of Jensen et al. US 5,351,934 in view of Sato US 6,230,606.

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Sakaguchi lacks a linear encoder to determine the position of the valve. Sato discloses a linear encoder 19 to determine the position of the valve. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a linear encoder as disclosed by Sato in the valve of Sakaguchi in order to fix the position of the valve by varying the current supplied.

12. Claims 17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. US 3,758,071 in view of Sakaguchi et al. US 4,782,860 in view of Jensen et al. US 5,351,934 in view of Sato US 6,230,606.

Anderson lacks a linear encoder to determine the position of the valve. Sato discloses a linear encoder 19 to determine the position of the valve. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a linear encoder as disclosed by Sato in the valve of Anderson in order to fix the position of the valve by varying the current supplied.

13. Claims 18 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakaguchi et al. US 4,782,860 in view of Reichert et al. US 3,604,480.

Sakaguchi lacks a mention of using the valve in a filler of a machine to fill containers.

Reichert discloses containers at the outlet of the valve. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use containers as disclosed by Reichert in the system of Sakaguchi in order be able to store the fluid valved.



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14. Claims 18 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. US 3,758,071 in view of Sakaguchi et al. US 4,782,860 in view of Reichert et al. US 3,604,480.

Anderson lacks a mention of using the valve in a filler of a machine to fill containers. Reichert discloses using the valve in a filler of a machine to fill containers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use containers as disclosed by Reichert in the system of Anderson in order be able to store the fluid valved.

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Erickson, Palma, Oyama, Reinicke, Bosley and Hirota disclose electrically actuated valves. Kuckens discloses a filling device with containers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Bastianelli whose telephone number is (571) 272-4921. The examiner can normally be reached on M-Th (8-6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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